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CHARLES D. SUSANO III  
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KNOX COUNTY CIRCUIT  
CIVIL SESS. ROOMS  
AND CHIEF CLERK'S  
OFFICE

IN THE CIRCUIT COURT OF KNOX COUNTY, TENNESSEE  
AT KNOXVILLE

**Plaintiff,**

v.

NO: 2-92-21  
JURY DEMANDED

**WALMART INC., and  
WAL-MART STORES EAST, LP**

**Defendants.**

**COMPLAINT FOR DAMAGES**

**COMES NOW** the Plaintiff, Brian Buck (hereafter "Plaintiff or Mr. Buck"), by and through undersigned counsel and hereby files this Complaint for Damages against the Defendants, Walmart Inc. and Wal-Mart Stores East, LP (collectively hereafter "Defendants"), and would show the Court as follows:

**PARTIES**

1. Plaintiff, Brian Buck, is an adult resident of Knox County, Tennessee.
2. Defendant, Walmart Inc. is authorized to conduct business in the state of Tennessee and may be served through its registered agent: C T Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919.

**EXHIBIT B**

3. Defendant, Wal-Mart Stores East, LP is authorized to conduct business in the state of Tennessee and may be served through its registered agent: C T Corporation System located at 300 Montvue Road, Knoxville, Tennessee 37919-5546.

### **JURISDICTION AND VENUE**

4. Venue is properly situated in Knox County pursuant to TENN. CODE ANN. § 20-4-101 as the injuries sustained by Plaintiff occurred in Knox County, Tennessee.

5. This Court has jurisdiction pursuant to Tenn. Code Ann. 16-1-101.

6. This Court has subject matter jurisdiction over the causes of action pled herein.

7. All events which form the basis of this Complaint for Damages are based in tort and occurred in Knoxville, Knox County, Tennessee.

8. Defendant, Wal-Mart Stores East, LP was properly served with process.

9. Defendant, Walmart Inc. was properly served with process.

### **FACTS**

10. At all times pertinent to this Complaint, Defendants Walmart Inc. and Wal-Mart Stores East, LP are believed to have owned, operated and/or controlled a business called Wal-Mart Supercenter store #2065, which is located at 8445 Walbrook Drive in Knoxville, TN 37923.

11. On or about June 8, 2020, Plaintiff, Brian Buck, was on the premises of the Wal-Mart Supercenter store #2065, located at 8445 Walbrook Drive in Knoxville, TN 37923.

12. Mr. Buck was walking inside Walmart Supercenter store #2065 when suddenly, and without warning, he slipped and fell on water on the floor of the premises.

13. Upon information and belief, Defendants owned, operated and/or controlled the Walmart Supercenter store #2065 premises which were in a dangerous and defective state at the time of Mr. Buck's fall due to the presence of the water.

14. There were no warning signs or any other indications near the water to warn customers of the dangerous condition.

15. Defendants knew or should have known of the dangerous condition of the premises which caused Mr. Buck to fall and sustain injuries.

16. As a direct and proximate result of the Defendants' negligence, Mr. Buck sustained multiple serious, severe and permanent injuries.

#### **CAUSE OF ACTION NEGLIGENCE**

17. Plaintiff reincorporates paragraphs 1-16 as though set forth verbatim.

18. The Defendants, by and through the actions and/or inactions of their employees and/or agents, were negligent in their failure to adequately maintain the premises in the area in which the Plaintiff fell.

19. The Defendants, by and through the actions and/or inactions of their employees and/or agents, were negligent in their failure to warn the Plaintiff of the possibility of injury while on the Defendants' premises.

20. The Defendants, by and through the actions and/or inactions of their employees and/or agents, were negligent in their failure to conduct a reasonable inspection of the premises, including the area where the substance was located and the surrounding areas, and for failing to adhere to policy/procedure or failing to institute an appropriate policy/procedure to maintain the premises in a safe manner.

21. The Defendants, by and through the actions and/or inactions of their employees and/or agents, were negligent in failing to maintain a safe environment for Mr. Buck and other guests while inside the Walmart Supercenter store #2065.

22. The Defendants knew or in the exercise of reasonable care should have known of the presence of the dangerous condition, or, Defendants created the condition either through the acts of its employees, in its negligent maintenance of its premises, or its negligent method of operation and Defendants should have corrected the condition or warned Plaintiff of its existence yet failed to do so.

23. Upon information and belief, the Defendants had actual and/or constructive notice of the dangerous and defective condition that caused Mr. Buck to fall and sustain injuries yet failed to remedy the condition.

#### **DAMAGES**

24. Plaintiff reincorporates paragraphs 1-23 as though set forth verbatim.

25. As a direct and proximate result of the Defendants' negligence, Mr. Buck suffered serious and severe personal injuries which were caused, precipitated and/or aggravated by the wrongs complained of herein.

26. As a direct and proximate result of the Defendants' negligence, Mr. Buck suffered severe injuries that required medical attention and may continue to require medical treatment in the future.

27. As a direct and proximate result of the Defendants' negligence, Mr. Buck incurred large medical expenses, and may incur large medical expenses in the future.

28. As a direct and proximate result of Defendants' negligence, Mr. Buck experienced physical pain and mental suffering, both past and future.

29. As a direct and proximate result of the Defendants' negligence, Mr. Buck suffered the loss of the enjoyment of life, both past and future.

30. As a direct and proximate result of the Defendants' negligence, Mr. Buck suffered injuries both temporary and permanent in nature.

31. As a direct and proximate result of the Defendants' negligence, Mr. Buck experienced severe pain and suffering, as well as emotional trauma and mental anguish, both past and future.

32. As a direct and proximate result of the Defendants' negligence, Mr. Buck experienced loss of earnings.

### **RELIEF SOUGHT**

WHEREFORE PREMISES CONSIDERED, Plaintiff, Brian Buck, respectfully prays:

1. For a judgment against the Defendants, holding them liable for compensatory damages in an amount to be determined by the jury in this cause sufficient to adequately compensate the Plaintiff for his injuries and losses, but in excess of \$25,000.00.
2. For cost of this matter to be taxed to the Defendants.
3. The Plaintiff be allowed to amend his Complaint as additional parties or facts become known.
4. That service of process issue and be served upon the Defendants requiring Defendants to appear and answer within the time required by law.
5. For a jury trial to try this matter.
6. For such other, further and general relief to which Plaintiff is entitled under the law.

Respectfully submitted,

/s/ James P. McNamara

James P. McNamara, BPR#18127  
Morgan & Morgan - Nashville, PLLC  
810 Broadway, Suite 105  
Nashville, Tennessee 37203  
Primary: [jmcnamara@forthepeople.com](mailto:jmcnamara@forthepeople.com)  
Secondary: [amjones@forthepeople.com](mailto:amjones@forthepeople.com)  
615-514-4206